

REMARKS

Pursuant to the provisions of MPEP § 1207, previously pending claims 10, 13, 16 and 17 have now been canceled, without prejudice or disclaimer, in order to reduce the issues on appeal in the present action.¹ As noted in the referenced section of the MPEP, cancellation of claims from an application under appeal does not require any showing under 37 C.F.R. § 1.116 and appellants therefore request entry of the instant Amendment prior to submission of the file to the Board of Patent Appeals and Interferences.

Respectfully submitted,

By:

Ralph C. Francis
Registration No. 38,884
Attorney for the Applicant, ALZA Corporation

Ralph C. Francis, Registration No. 38,884

FRANCIS LAW GROUP
1808 Santa Clara Avenue
Alameda, CA 94501
Tel: (510) 769-9800
Fax: (510) 769-9804

Date: February 3, 2004

¹ Applicants expressly reserve the right to file a new application to continue the prosecution of the subject matter in the canceled claims.

Addendum

Attachment 1

METHOD AND DEVICE FOR TRANSDERMAL ELECTROTRANSPORT DELIVERY
OF FENTANYL AND SUFENTANIL